IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 2521 OF 2005

IN

SUIT NO. 858 OF 1985

Triwal Board P.Ltd .....Plffs.
vs.
Indian Oil Corp.ltd .....Defnds.

Mr.T.N. Tripathi, advocate
for the plaintiffs.
Mr. Kalpesh Joshi i/b. Malvi Ranchoddas and and Co. advocate
for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 9th September, 2005.

P.C. :.

1. The present motion is taken out for setting aside an ex-parte decree which is passed for want of written statement. For 20 years no written statement is filed. The only ground which is set out in the affidavit is that at one stage there was

bifurcation of the department. I am unable to accept the contention that because of the bifurcation of the department for 20 years a written statement is not filed. It has come to my notice that in a number of litigations the government of India undertaking is not prosecuting the proceedings diligently and conducting the litigations with public money without any responsibility on their part. The present case is one of them. In that view of the matter I find that the motion is absolutely misconceived. Infact appropriate action is necessary to be initiated against the defaulting officers under the guise of grant of indulgence and on terms of payments of costs cannot be accepted. In that view of the matter I am not inclined to pass any order. Motion dismissed.

ssd/-

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